

17435. Adulteration of canned sardines. U. S. v. 469 Cases of Sardines. Product ordered released under bond to be reconditioned. (F. & D. No. 23995. I. S. No. 011053. S. No. 2269.)

Samples of canned sardines from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Texas.

On September 9, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 469 cases of sardines, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by L. D. Clark & Son of Eastport, Me., from New York, N. Y., and had been transported, on or about May 22, 1929, from the State of New York into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Banquet Brand American Sardines * * * Packed at Eastport Washington Co. Me., by L. D. Clark & Son."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 9, 1930, L. D. Clark & Son, Eastport, Me., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be sold or otherwise disposed of contrary to law. It was further ordered by the court that the product be reconditioned by the removal and destruction of all decomposed fish.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17436. Misbranding of shortening. U. S. v. 40 Cases of Shortening. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24903. I. S. Nos. 07586, 07587, 07588. S. No. 1833.)

Samples of shortening from the herein described interstate shipment having been found to be short weight, the matter was reported to the United States attorney for the Western District of Louisiana.

On March 14, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cases of shortening, remaining in the original unbroken cases at Shreveport, La., alleging that the article had been shipped in interstate commerce (from Memphis, Tenn.) by the Dixie Margarine Co., in various lots, on February 21, February 25, and February 28, 1929, respectively, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons labeled in part: "Dixie Brand Colored Nut Product One Pound Net * * * Manufactured by Dixie Margarine Co., Memphis, Tenn."

It was alleged in the libel that the article was in violation of section 8 of the said act, in that the label bore the statement "One Pound Net," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package or carton, since the quantity of food contained therein was less than the quantity labeled on the package.

On March 26, 1929, claim and answer having been filed admitting the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond, conditioned in part that it be removed from the wrappers and cartons and packed in bulk and reshipped to the Dixie Margarine Co., Memphis, Tenn., to be repacked in compliance with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17437. Adulteration of canned sardines. U. S. v. 265 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23170 to 23174, incl. I. S. Nos. 02223, 02225, 02251, 02252, 02253. S. No. 1278.)

Samples of canned sardines from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

On October 30, 1928, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 709 cases of canned sardines, remaining in the original unbroken packages in

part at Atlanta, Ga., and in part at East Point, Ga., alleging that the article had been shipped by the Van Camp Sea Food Co. (Inc.), in part from East San Pedro, Calif., and in part from Wilmington, Calif., in various consignments, on or about February 7, November 16, December 8, 1927, respectively, and transported from the State of California into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "White Star Tin-Apa Sardines * * * Originated and packed by exclusively Van Camp Sea Food Co., Inc., Terminal Island, Los Angeles, Cal."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On December 7, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17438. Misbranding of dairy feed. U. S. v. 100 Sacks of Dairy Ration, et al. Product ordered released under bond. (F. & D. No. 24283. I. S. Nos. 021673, 021674. S. No. 2525.)

Samples of stock feed from the shipments herein described having been found to contain less protein and fat and more crude fiber than declared on the labels, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of South Carolina.

On November 26, 1929, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 140 bags of dairy feed, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Atlantic Milling Co., from Augusta, Ga., on October 25, 1929 and transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Cumberland Dairy Ration Manufactured by Atlantic Milling Company, Augusta, Ga. Guaranteed Analysis Protein 20% Fat 5% Fibre 8%." The remainder of the said article was labeled in part: "Atlantic Dairy Feed Manufactured by Atlantic Milling Company, Augusta, Ga. Guaranteed Analysis Protein 24%, Fat 5% Carbohydrates 53% Fibre 9%."

Misbranding of the product labeled, "Atlantic Dairy Feed," was alleged in the libel for the reason that the statements on the labels, "Guaranteed Analysis Protein 24%; Fat 5%; Carbohydrates 54[53]%, Fibre 9%," were false and misleading. Misbranding of the product labeled "Cumberland Dairy Ration," was alleged for the reason that the statements on the labels, "Guaranteed Analysis Protein 24[20]%; Fat 5%; and Fibre 9[8]%, " were false and misleading. The charge recommended by this department relative to the said Cumberland dairy ration was that the statements on the label, "Guaranteed Analysis Protein 20%; Fat 5%; Fibre 8%," were false and misleading and deceived and mislead the purchaser.

On February 5, 1930, the Atlantic Milling Co., Augusta, Ga., having appeared as claimant for the property and having admitted the material allegations of the libels, judgments were entered ordering that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$500, conditioned in part that it should not be sold or disposed of until re-labeled in part as follows: (Cumberland dairy ration) "Protein 18.8%, Fat 3.8%, Fiber 9.35%;" (Atlantic dairy feed) "Protein 20.7% Fat 3.9%, Fiber 9.5%."

ARTHUR M. HYDE, *Secretary of Agriculture.*

17439. Adulteration of canned sardines. U. S. v. 635 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 24243. I. S. No. 08796. S. No. 2486.)

Samples of sardines from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On November 13, November 14, 1929, and April 18, 1930, respectively, the United States attorney filed in the Albany, Americus, and Valdosta divisions of the United States District Court for said district libels praying seizure and condemnation of 890 cases of canned sardines. It was alleged in the libels that the article had been shipped by the Gurnet Fisheries Co., from Boston, Mass., September 17, 1929, and had been transported from the State of Massachusetts